

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF A CONFIDENTIAL INVESTIGATION CONCERNING

JEFFREY J. JOYCE, M.D., RESPONDENT

File No. 02-02-326

STATEMENT OF CHARGES,

SETTLEMENT AGREEMENT and FINAL ORDER

(combined)

COMES NOW the Iowa Board of Medical Examiners (the Board), and

Jeffrey J. Joyce, M.D. (Respondent), on Apr. 13, 2003, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), enter into the following combined Statement of Charges, Settlement Agreement and Final Order.

STATEMENT OF CHARGES

1. Respondent was issued Iowa resident physician license number R-6440 on July 26, 2000.
2. Respondent's Iowa resident physician license is current and will next expire on July 1, 2004.
3. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

4. Respondent is charged under Iowa Code sections 147.55(30 and 272C.10(3) and 653 IAC sections 12.4(3) and (36) with engaging in unethical or unprofessional conduct.

COUNT II

5. Respondent is charged under Iowa Code section 148.6(2) (h) (2001) and 653 Iowa Administrative Code section 12.4(5) with the inability to practice medicine and surgery with reasonable skill and safety as a result of a mental or physical condition.

CIRCUMSTANCES

6. On or about April 4, 2000, Respondent pled guilty to Window Peeking, a class 1 misdemeanor, in the Second Judicial Circuit Court, in Minnehaha County, South Dakota.

7. On September 6, 2000, the Board issued Respondent an Iowa Resident Physician License under certain terms and conditions. A September 6, 2000, letter established the terms and conditions upon which Respondent was granted an Iowa resident physician license, including the requirement that Respondent provide a copy of the letter to his program director and that the program director report back to the Board at least annually. The Board later learned that Respondent failed to provide a copy of the Board's September 6, 2000, letter with the program director in a timely manner as required.

8. On July 16, 2002, Respondent was relieved of his clinical duties in his residency training program based on the concerns discussed in paragraph 9 below. The residency program had serious concerns, particularly in light of Respondent's prior criminal conviction. Respondent was directed to undergo a medical and mental health evaluation. Upon completion of the medical examination and the initial mental health evaluation, Respondent was placed on probation in his post-graduate training program.

9. The Board received information indicating Respondent engaged in unethical or unprofessional conduct on numerous occasions during his residency training, including the following:

- a) Respondent obtained a bag of prescription medications, including at least one controlled substance, and Respondent could not account for the missing drugs.
- b) Respondent inappropriately continued to pursue a romantic relationship with a student healthcare provider, including unannounced personal visits, long after the student healthcare provider had made her disinterest clear.
- c) Respondent told others in his workplace that he had gone drinking with an underage female and that he was able to avoid possible arrest upon investigation by police after the female became ill in a public setting,
- d) Respondent offered to loan a young woman money to pay for breast augmentation surgery and later performed the preoperative history and physical and attempted to participate in the surgery. Further, Respondent pursued a romantic relationship with the young woman, including unwanted personal visits at her home and the young woman allegedly considered obtaining a restraining order against Respondent.

10. On January 6 - 7, 2003, at the direction of the Board, Respondent completed a comprehensive neuropsychological and substance abuse evaluation under the direction of Professionals At Risk Treatment Services, Elmhurst, Illinois. All recommendations made at the conclusion of the comprehensive evaluation have been incorporated in this Order.

SETTLEMENT AGREEMENT

11. Upon the Board's approval of this Order, Respondent's Iowa medical license shall be placed on **probation for a period of five (5) years** under the following terms and conditions:

- a) Within 7 days of the date of this Order, Respondent shall contact Deb Anglin, Coordinator, Monitoring Programs, Iowa Board of Medical Examiners, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph. #515-281-6491, to establish a monitoring program.
- b) Respondent shall fully comply with all terms and conditions established by his residency training program regarding this matter.
- c) Respondent shall abstain from the consumption of alcohol during the workweek, including the night before any workday.
- d) Prior to the Board's approval of this Order, Respondent shall submit for approval the name and curriculum vitae of a psychiatrist or counselor to provide continuing counseling for Respondent and to monitor Respondent's progress. Respondent hereby authorizes the Board to share a copy of all Board orders and evaluation and treatment reports relating to this matter with the psychiatrist or counselor.
 - (1) As a condition of approval, the psychiatrist or counselor shall agree to submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year of Respondent's probation.

- (2) Respondent shall continue with counseling until discharged by the Board-approved psychiatrist or counselor and until Respondent's discharge from counseling is approved by the Board.
 - (3) Respondent shall meet with his Board-approved psychiatrist or counselor at a frequency as recommended by the psychiatrist or counselor and approved by the Board.
- e) Prior to the Board's approval of this Order, Respondent shall submit to the Board for approval, the name of a physician who regularly observes and/or supervises Respondent in a practice setting to serve as Respondent's worksite monitor. Respondent hereby gives the Board a release to share a copy of all Board orders and evaluation and treatment reports relating to this matter with the worksite monitor. The worksite monitor shall inform the Board immediately if there is any inappropriate behavior, questionable medical treatment, professional misconduct or a violation of the terms of this Settlement Agreement and Final Order.
 - (1) Respondent shall meet with his worksite monitor on a regular basis as approved by the Board to discuss Respondent's interpersonal functioning.
 - (2) The worksite monitor shall agree to submit written quarterly reports to the Board concerning Respondent's progress. The reports shall be filed with the Board not later than 1/20, 4/20, 7/20 and 10/20 of each year.

- f) Respondent shall file sworn quarterly reports with the Board attesting to his compliance with all the terms and conditions of this Settlement Agreement, including attendance at meetings with his counselor. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 each year of Respondent's probation.
- g) Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given written notice of the date, time and location for the appearances.

12. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

13. In the event Respondent leaves Iowa to reside or practice outside the state, Respondent shall notify the Board in writing of the dates of departure and return. Periods of residence or practice outside the state of Iowa will not apply to the duration of the Settlement Agreement and Final Order.

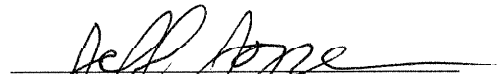
14. This combined Statement of Charges, Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

15. By entering into this combined Statement of Charges, Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

16. This combined Statement of Charges, Settlement Agreement and Final Order, is voluntarily submitted by the Respondent to the Board for consideration.

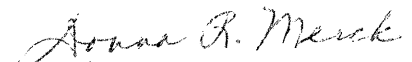
17. This combined Statement of Charges, Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

18. The Board's approval of this combined Statement of Charges, Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.


Jeffrey Joyce, M.D., Respondent

Subscribed and sworn to before me on March 5, 2003.

Notary Public, State of Iowa.


Comm. exp. 7/30/05

This combined Statement of Charges, Settlement Agreement and Final Order is approved by the Board on April 3, 2003.

 MD

Dale R. Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, IA 50309-4686